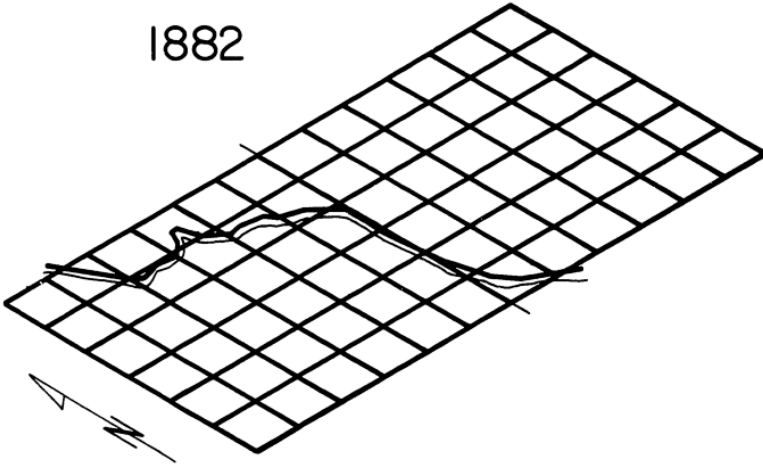


Chapter A

Proportionment Across A Range Line

A6

1882



History of Surveys

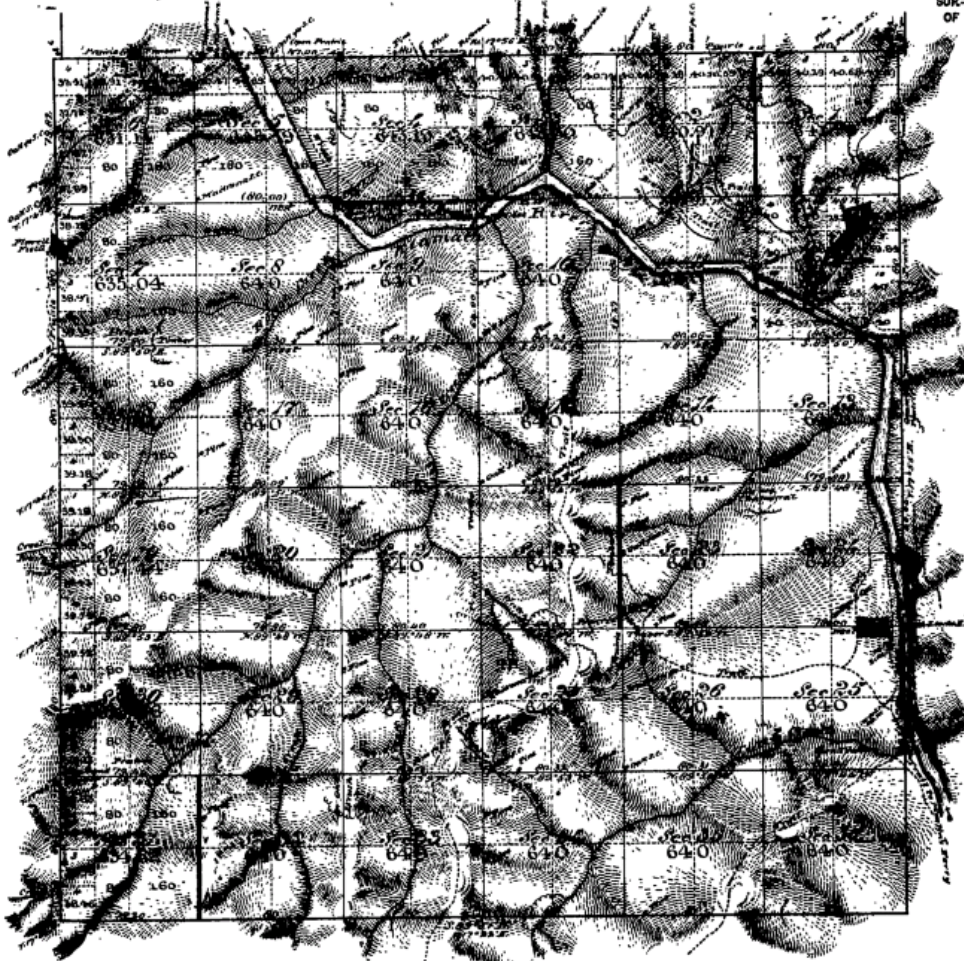
1882 The range line between T. 10 N., Rs. 3 and 4 E., and subdivisional lines of both townships were surveyed by John Haughn in August and September, 1882, as shown on the plats approved December 30, 1882. Pertinent portions of the approved plats are shown in figures 1 and 2.

Township N. 10 North, Range N. 3 East, Humboldt Meridian.

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SUR-GEN'S LETTER
OF JAN 3 1883

Minutes of Right Bank
of Klamath River

No.	Course	Distance
1	S. 34° E.	89.00
2	S. 49° E.	8.00
3	S. 49° E.	25.00
4	N. 60 1/4° E.	23.00
5	N. 60 1/4° E.	19.30
6	N. 65° E.	16.15
7	N. 62° E.	36.00
8	S. 57 1/2° E.	25.00
9	S. 53 1/2° E.	25.00
10	S. 45° E.	30.00
11	East	40.00
12	S. 45° E.	18.00
13	S. 62° E.	27.00
14	S. 62° E.	7.42
15	S. 62° E.	40.00
16	S. 45° E.	10.00
17	S. 49 1/2° W.	70.30
18	S. 46° E.	21.25
Total		678.47
Average		23.98246 acres
Total		33,044.58



Area of Public Land surveyed
- Mining Claim
- Aggregate

23,982.46 acres
33,044.58

Red Township N. 10 North, Range N. 3 East, Humboldt Meridian, is strictly conformable to the field notes of the survey on file in this Office, which have been examined and approved by the Surveyor General, San Francisco, California, December 30th 1882.

Survey Designated	By whom Surveyed	Date of Contract	Amount of Survey	When Surveyed	When Settled
South boundary of Township	J. W. Freeman	August 26th 1875	6 mi. 00.00 00.00	1875	17th Feb
South side of "H. & C. Co. Road" from town	John Houghton	May 19th 1880	13 - 00 - 45	1880	17th Feb
Eastern West side of "H. & C. Co. Road" from town	"	June 30th 1880	66 - 00 - 31	"	"
Section corner corner	"	"	1 - 79 - 85 1/2	"	"
" - corner corner	"	"	1 - 79 - 85 1/2	"	"
" - corner corner	"	"	13 - 00 - 31	"	"
Connecting - corner and	"	"	27 - 00 - 00	August 22nd 1882	17th Feb

The above Map of Township N. 10 North, Range N. 3 East, Humboldt Meridian, is strictly conformable to the field notes of the survey on file in this Office, which have been examined and approved by the Surveyor General, San Francisco, California, December 30th 1882.

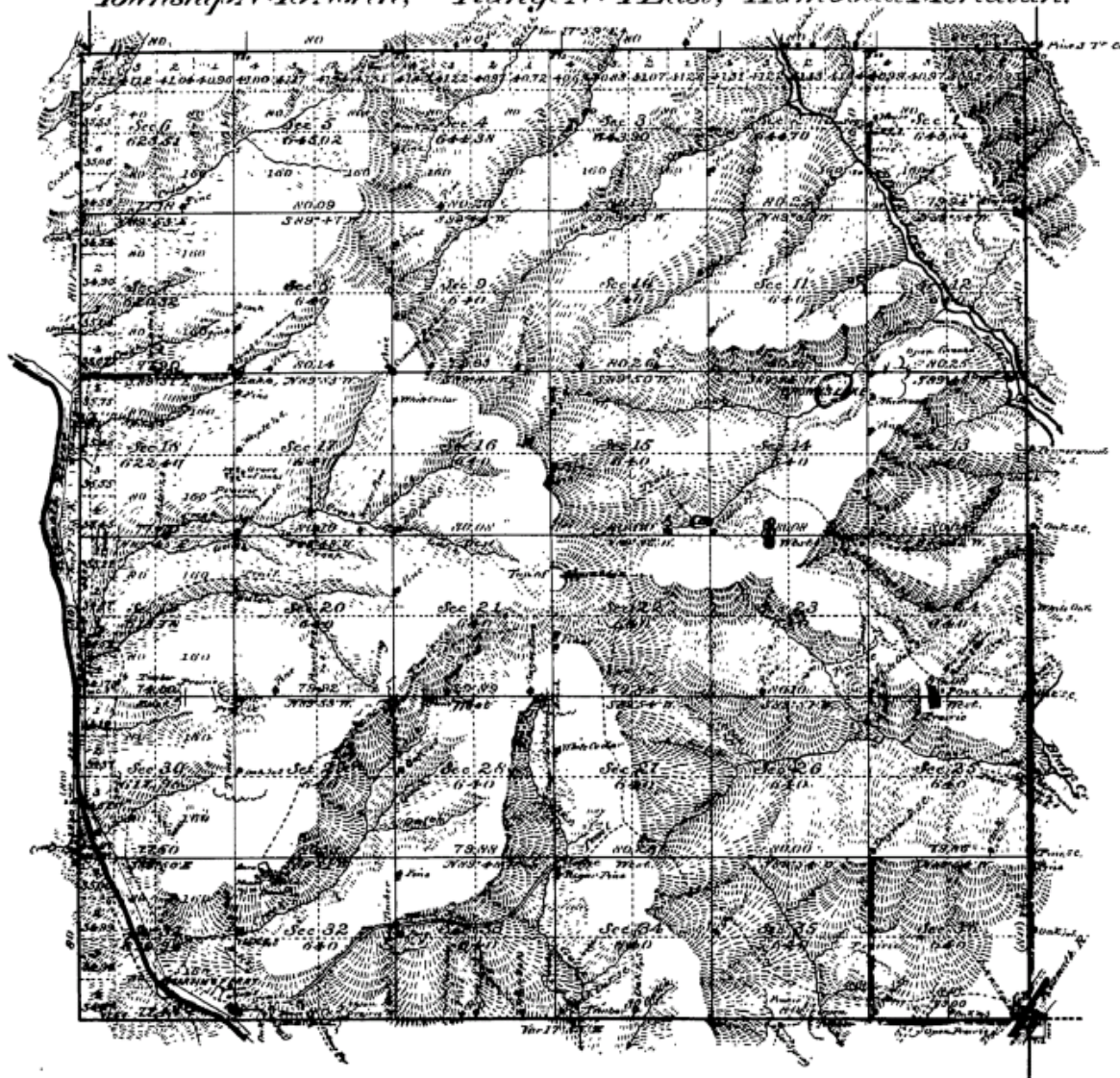
W. H. B.

Figure 1a - Original Plat

Township N°10 North, Range N°4 East, Humboldt Meridian.

RECEIVED WITH
SUR-GEN'L'S LETTER
OF JAN 3 1883

PAID FOR REPORT
STA. 9049
S. L. C.



Mileage of Right Bank of Klamath River		
Sec.	Course	Distance
31	N 60° W	40.00
30	N 22° W	65.00
29	N 26° W	33.70
19	N 4° W	50.00
		228.90
Aggregate Right Bank 201.20		

Figure 1b - Original Plat



Figure 2 - Portions of Original Plats

Reasons for Request of this Survey

Section 24, T. 10 N., R. 3 E., and section 19, T. 10 N., R. 4 E., are located within the Hoopa Valley Indian Reservation. Portions of both sections have been patented in fee. Trust deeds have been issued by the Bureau of Indian Affairs for allotments in section 24. Most of the descriptions depend upon the location of the boundaries and subdivisional lines of section 24. The line between sections 19 and 24 cannot be identified. The BIA requested a resurvey of both sections, subdivision of section 24 and the survey of a number of allotments.

Special Instructions

Special Instructions were prepared on April 7, 1961 for Group 470, California. They provided for dependent resurveys, subdivision of section surveys and survey of Indian trust lands in T. 11 N., R. 3 E., and T. 10 N., Rs. 3 and 4 E. Field work began on April 18, 1961. This discussion is limited to the restoration of the boundaries between sections 19 and 24.

Conditions Found on the Ground

Refer to figure 3, an enlarged sketch of the Haughn plat. The field notes state that Haughn ran north between sections 25 and 30. At 29.20 chains he intersected the left bank of the Klamath River, offset west, 2.00 chains, set a witness 1/4 section corner at 40.00 chains (2 chains west of true point) and set a meander corner between sections 24 and 25 at 80.00 chains, on the left bank of the river, 2 chains west of the true point for the corner of sections 19, 24, 25 and 30, the true point being in the river. Haughn then triangulated across the river, and set a witness corner for the corner of sections 19, 24, 25 and 30, on the right bank of the river, 5 chains east of the meander corner on the left bank and 3 chains east of the true corner point.

Haughn then states that he ran north from the witness corner, on a 3 chain offset, between sections 19 and 24. At 30.00 chains he offset west 3 chains, returning to true line, and at 40.00 chains set the 1/4 section corner of sections 19 and 24, on the right bank of the Klamath River. He continued north and set the corner of sections 13, 18, 19 and 24 at 80.00 chains.

On the subdivisional lines, Haughn set a meander corner on the right bank of the river between sections 13 and 24, at 10.00 chains and one on the left bank at 18.88 chains.

He ran the line between sections 19 and 30 West, 74.00 chains to an intersection with the previously established witness corner of sections 19, 24, 25, and 30, returned on true line establishing the 1/4 corner of sections 19 and 30 at 34.00 chains east of the witness corner.

The 1881 Manual of Surveying Instructions, action 2, page 34, directs that non-navigable rivers were to be meandered along only one bank, and that this should be the right bank where practicable.

In accordance with the Manual, Haughn reports meandering the right bank of the river:

In Section 30
N. $26\frac{1}{2}^{\circ}$ W., 33.70 chains
North, 50.00 chains to witness corner
and meander corner.
In section 19
N. $4\frac{1}{2}^{\circ}$ W., 40.20 chains to 1/4 corner
and meander corner of section 19 and 24.

In section 24
N. 14° W., 41.50 chains to meander corner
of sections 13 and 24.

The Haughn plats do not segregate the Klamath River. All areas are based on full sections (as returned by him) out to the range line which is shown to be in the river, although the length of the lines between sections 24 and 25, and between sections 19 and 30 are shown only to the meander corner and witness corner respectively.

Between 1951 and 1959 three private surveyors had endeavored to resurvey and subdivide parts of sections 19 and 24, and had recovered five original corners of section 19 and the corner of sections 23, 24, 25 and 26. The corner of sections 13, 14, 23 and 24 had been restored, without monumentation, by double proportionate measurement. The 1/4 section corner of sections 19 and 24 had been restored, again without monumentation, on the right bank of the Klamath River.

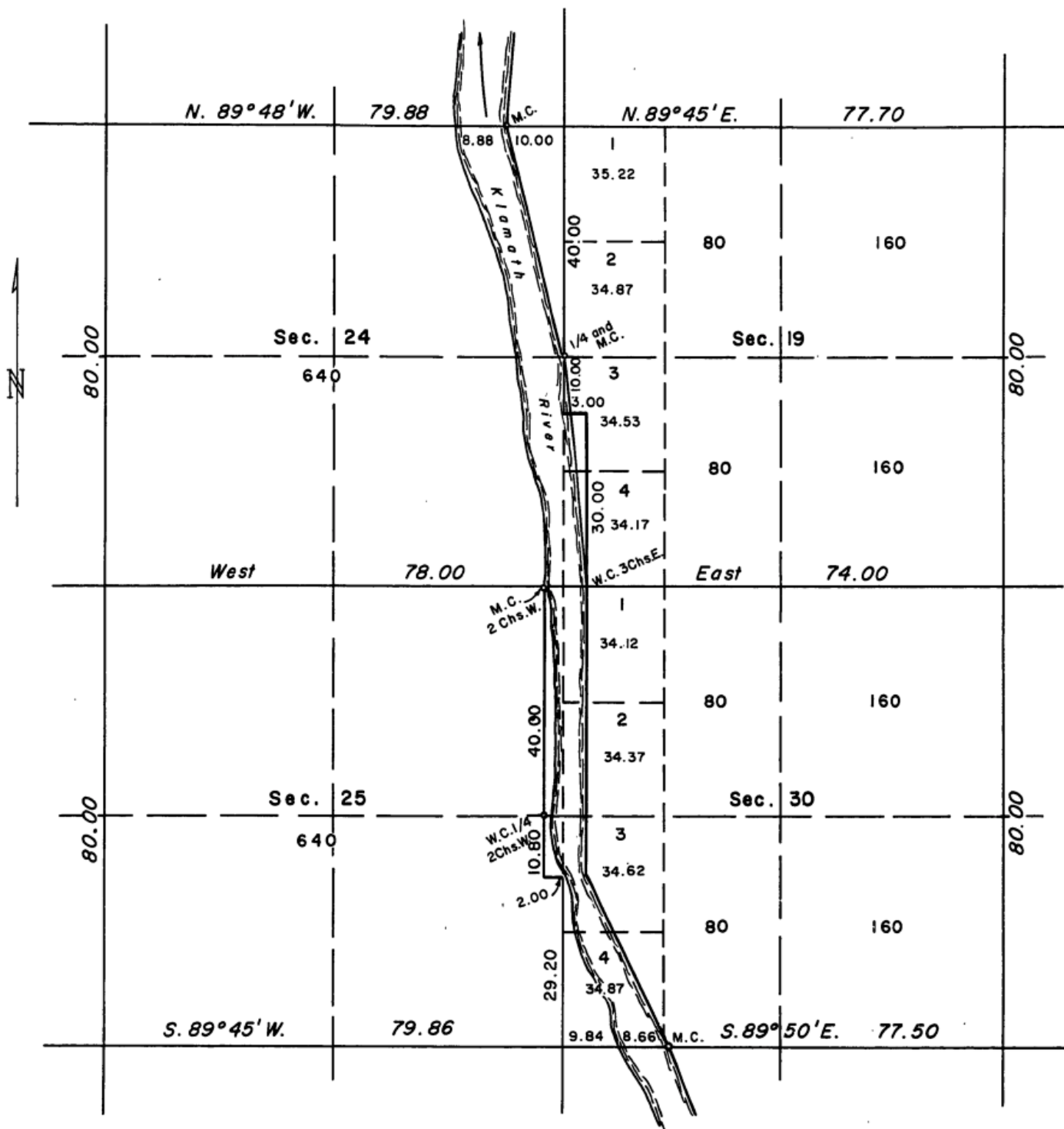


Figure 3 - Original Survey Record

During this investigation and retracement, the corner of sections 25, 30, 31 and 36 was found. The corner recovery and retracement data are shown in figure 4. The retracement data shows the results of a single proportionate restoration of the range line and resulting distances to the Klamath River. The Klamath River is in a sharply defined canyon with extremely steep slopes. There is no possibility of any movement of the river since 1882.

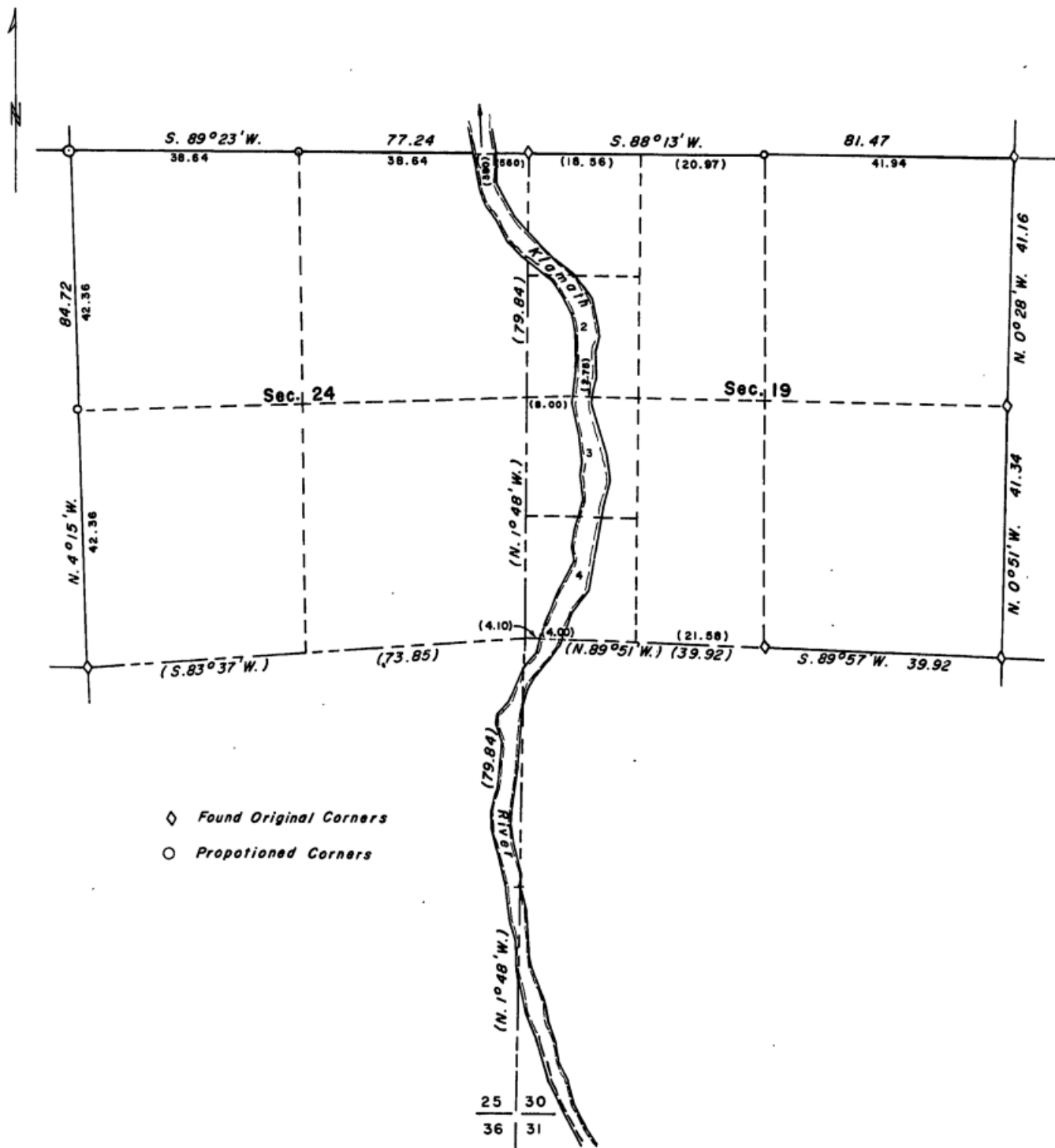


Figure 4 - Proposed Restoration

Preliminary Statement of the Problem

How should the missing corners of sections 19 and 24 be restored?

Regulations

This survey illustrates the application of the following sections of the Manual of Surveying Instructions, 1973:

5-5 and 5-8 Existent corner

5-9 and 5-10 Obliterated corner

5-16 Topographic calls

5-31 Single proportionate measurement

5-37 Double proportionment across township or range line

Final Statement of the Problem

How much weight should be placed on the topographic calls in the original record as to the locations of the corners in relation to the river?

Changes in Instructions

The situation is shown in figure 4. The sketch, along with the status and private surveyors' maps were submitted to the Washington Office on June 14, 1961, asking for a ruling on the matter along with the suggestion that a single proportionate restoration be adopted. The grounds for single proportion were that any other method would greatly distort the sections and there was no evidence (other than the field notes and plats) to show that Haughn had ever, in fact, set the 1/4 corner of sections 19 and 24. (it is also obvious that Haughn's meanders of the right bank were fictitious.)

By memorandum dated July 12, 1961, the Washington Office rendered the opinion that the corner of sections 19, 24, 25 and 30 should be restored by double proportionate measurement between recovered original corners to the north, south, and east and west across the range line. Following that, the 1/4 corner of sections 19 and 24 should be restored latitudinally by single proportionate measurement and longitudinally on the right bank of the Klamath River. The following comment and citation was also made:

"While not necessarily controlling in our resurvey activities, the attitude of the California courts as to the significance of topographic calls is set out in Chandler v. Hibbard, 332 P. 2d 133 (1968)."

The Chandler v. Hibbard case concerned land in the Cuyama oil field. In it the court ruled that a section corner was to be restored by calls of topography. In that case the calls were much more uncertain than those of the Haughn survey in this situation.

Solution

The point for the corner of sections 19, 24, 25 and 30 was restored by double proportionment, latitudinally between the corner of sections 25, 30, 31 and 36 and the corner of sections 13, 18, 19 and 24, longitudinally between the 1/4 corner of sections 19 and 30 and the corner of sections 23, 24, 25 and 26, as directed. This point fell in the Klamath River.

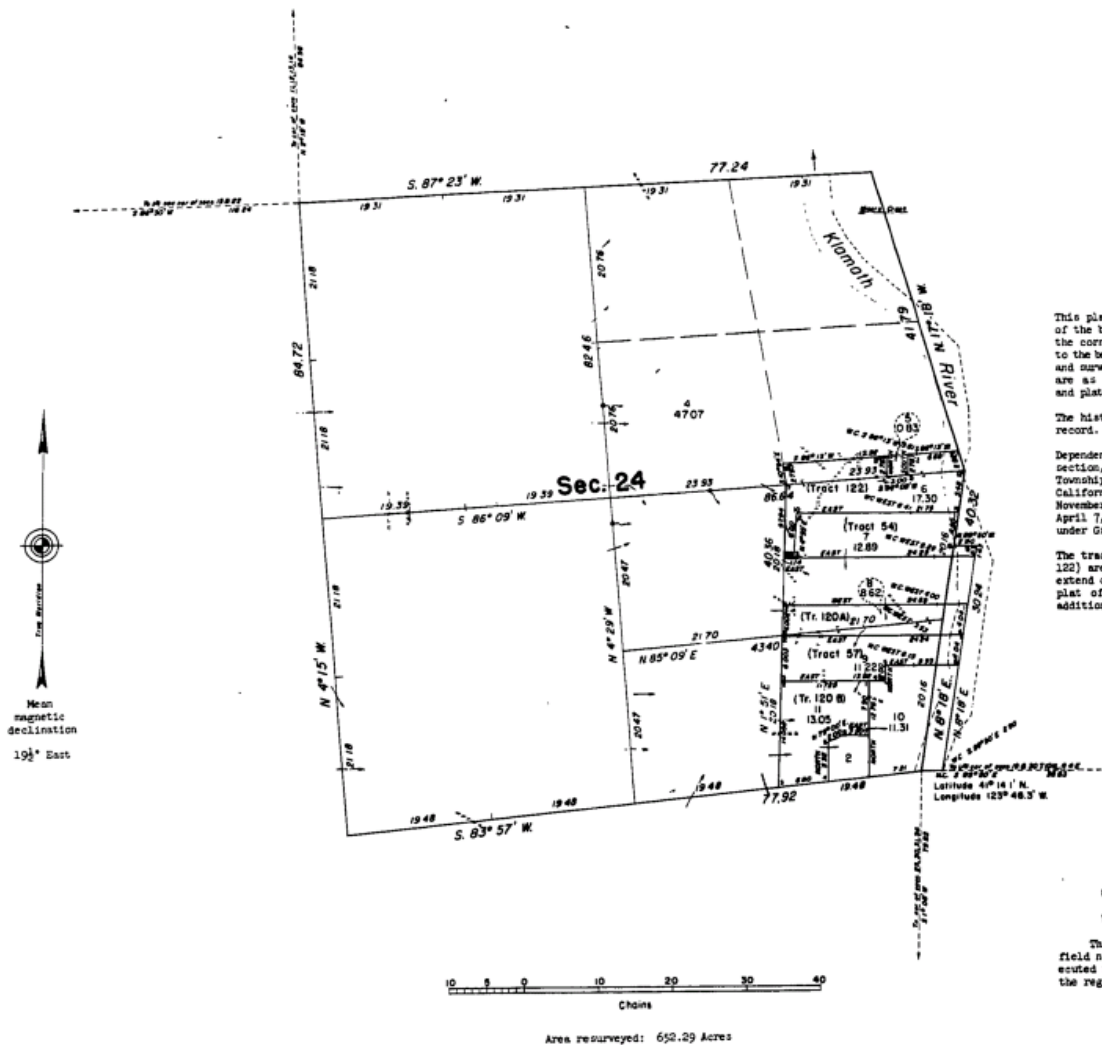
The right bank of the river was traversed (similar to meandering). The 1/4 corner of sections 19 and 24 was placed on the traverse line, on the right bank and at proportionate distance latitudinally.

The corners between sections 24 and 25 were established by single proportionate measurement, as was the witness corner and W 1/16 corner between sections 19 and 30.

Section 24 was subdivided, the allotments surveyed and an informative traverse of the left bank of the river was also made.

The plats of sections 19 and 24 were accepted March 12, 1963 and are shown in figures 6 and 7.

TOWNSHIP 10 NORTH, RANGE 3 EAST, OF THE HUMBOLDT MERIDIAN, CALIFORNIA.
DEPENDENT RESURVEY, SUBDIVISION OF SECTION AND TRACT SEGREGATIONS



This plat represents a retracement and reestablishment of the boundaries of Section 24, designed to restore the corners in their true original location according to the best available evidence, subdivision of section, and survey of Indian allotments. The lotting and areas are as shown on the plat approved December 30, 1888, and plat accepted August 5 1956, except as shown hereon.

The history of surveys is set forth in the field note record.

Dependent resurvey of the boundaries, subdivision of section, and survey of Indian allotments in Section 24, Township 10 North, Range 3 East, Humboldt Meridian, California, executed by April 18 to November 6, 1961, under Special Instructions dated April 7, 1961, which provide for the surveys included under Group No. 470, California.

The tracts shown hereon (Tracts 54, 57, 120A, 120B, and 122) are properly described by lot designations which extend only to the east boundary of the section. See plat of adjacent section 19, accepted same date, for additional lotting of the tracts in that section.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. March 12, 1963

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

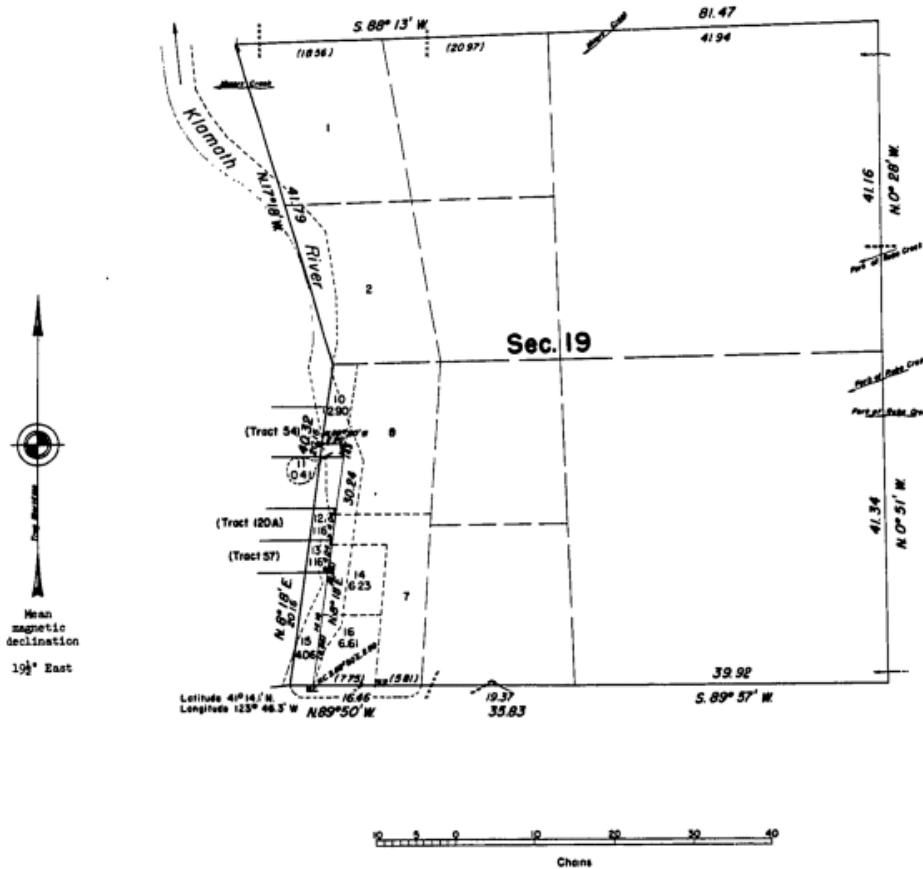
For the Director

E. H. Rountree
Chief, Division of Engineering

Vegetation in this area consists of fir, maple, madrone, oak, peppervood and alder timber, and huckleberry, manzanita, oak, ferns, hazel and rhododendron undergrowth.

Figure 6 - Portion of Accepted Plat, Sec. 24

TOWNSHIP 10 NORTH, RANGE 4 EAST, OF THE HUMBOLDT MERIDIAN, CALIFORNIA.
DEPENDENT RESURVEY



Area resurveyed: 617.07 Acres

Vegetation in this area consists of fir, tan, black and chinquapin oak, madrone and peppertree, and buckleyberry, manzanita, oak and fern undergrowth.

This plat represents a retracement and reestablishment of the South, East and North boundaries including offset line along a portion of the West boundary designed to restore the corners in their original location according to the best available evidence, and traverse of the right bank of the Klamath River. The lottings and areas are as shown upon the plat approved December 30, 1882, and plats accepted August 17, 1956, and February 21, 1958, except as shown hereon.

The history of surveys is set forth in the field note record.

Dependent resurvey of the South, East and North boundaries, offset line along a portion of the West boundary, and traverse of right bank of the Klamath River in Section 19, Township 10 North, Range 4 East, Humboldt Meridian, California, executed by April 19 to November 2, 1961, under Special Instructions dated April 7, 1961, which provide for the surveys included under Group No. 470, California.

The tracts shown hereon (Tracts 54, 57, and 120A) are properly described by lot designations which extend only to the west boundary of the section. See plat of adjacent section 24, accepted same date, for additional lottings of the tracts in that section.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. March 12, 1963

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

E. C. Jennings

Chief, Division of Engineering

Figure 7 - Accepted Plat, Sec. 19